



MINUTES

Bob Roos
Bruce Gibson
Penny Rappa
Eugene Mehlschau
Sarah Christie

San Luis Obispo County Planning Commission

MEETING DATE: THURSDAY, August 25, 2005

MEETING LOCATION AND SCHEDULE

Regular Planning Commission meetings are held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, on the second and fourth Thursdays of each month. Regular Adjourned Meetings are held when deemed necessary. The Regular Meeting schedule is as follows:

Meeting Begins:	8:45 a.m.
Morning Recess:	10:00 - 10:15 a.m.
Noon Recess:	12:00 - 1:30 p.m.
Afternoon Recess:	3:00 - 3:15 p.m.

ALL HEARINGS ARE ADVERTISED FOR 8:45 A.M. HOWEVER, HEARINGS GENERALLY PROCEED IN THE ORDER LISTED. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

MINUTES OF THE MEETING OF THE
SAN LUIS OBISPO COUNTY PLANNING COMMISSION
AUGUST 25, 2005

PRESENT: Commissioners Gene Mehlschau, Sarah Christie, Penny Rappa, Bruce Gibson,
Chairman Bob Roos

ABSENT: None

STAFF: John Euphrat, staff
Warren Hoag, staff
Martha Neder, staff
Matt Janssen, staff
John Nall, staff
John Hofschroer, staff

OTHERS: Jim Orton, County Counsel
Tim McNulty, County Counsel
Jill Ogren, Public Works

The meeting is called to order by Chairman Bob Roos.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of August 25, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Speaker	Note
Meeting called to order	
Subcommittee appointment	Penny Rappa and Gene Mehlschau appointed to be the subcommittee to review Planning Commission Procedures. Consensus among Commissioners. Agreement by County Counsel.
Public Comment	Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.
	No one coming forward.
Chairman Roos	Requests clarification regarding trip to Annual Convention of County Planning Commissioners, with staff responding.
Discussion takes place	Among Commissioners and staff regarding whether the October, 2005 meeting will be impacted. At this time it appears there will not be a quorum for the second meeting in October. Room reservations will be verified and another day may be scheduled, if possible.
Planning Staff Update	
Warren Hoag, staff	Reports back on schedule of study sessions that were requested. Several have been done. Next include dark sky standards, with next January or February target, water retention study session with February target, environmental review process which is suggested for a retreat item, fire safety standards should be completed within the time frame with CDF, trails maintenance will be done within the time schedule, apartment conversions can be completed in the time schedule. State law and county process for general plan conformity reports is planned to come up November 10, 2005. A date for a Planning Commission retreat is sought. A possible agenda is offered.
1. County of San Luis Obispo - North Coast Area Plan, County File No. LRP 2004-00024.	This being the time set for continued hearing to consider a request by the COUNTY OF SAN LUIS OBISPO TO 1) update and amend the Cambria and San Simeon Acres community plan portions of the NORTH COAST AREA PLAN (Part II of the Land Use Element and Local Coastal Plan, and part of the Circulation Element). The area plan is being updated to reflect current land use, transportation, population, environmental, and economic conditions and community desires within the communities of Cambria and San Simeon Acres. The communities of Cambria and San Simeon Acres are located within the North Coast Planning Area of San Luis Obispo County. This planning area is bounded by the Monterey/San Luis Obispo County Line to the north, Point Estero to the south, and to the east the Coastal Zone boundary below the main ridge or the Santa Lucia Range. The update includes a number of changes to goals, policies, programs, land use categories, combining designations, and planning area standards; 2) amend the Cambria Design Plan by a) revising and moving development standards to the area plan; and b) modifying various guidelines including those related to lighting and the Moonstone Beach Drive streetscape; and 3) amend the Coastal Zone Land Use Ordinance , Title 23 of the San Luis Obispo County Code; Sections 23.05.050 and 23.06.100 regarding water quality and drainage; Section 23.05.062 regarding tree removal; Section 23.07.170 regarding development within or adjacent to environmentally sensitive habitats; and Section 23.07.172 regarding mineral extraction in wetlands. County File No. LRP2004-00024. Supervisorial

	District 2.
Martha Neder, staff	Introduces consultant, and describes handouts. Today will begin review of Chapter 7. Page 1-18 including combining designations section and community wide standards. Changes recommended are: delete 4.B., page 7-12 of revised Chapter 7. Community-wide standards chapter is introduced.
Public Testimony on subjects outside Chapter 7	
Harry McLochlin	Discusses buildout calculations. The calculations should include information from CCSD study that will not be complete for a few months. Asks about the County wait list and how it will be handled. States persons who purchased land in Cambria are not and were not speculators. Discusses the past growth rate and that they have a legal right to build on their land.
Public Testimony	
Gary Ellington	States he owns property and is discriminated against by the lowered growth rate. States he has paid CCSD money and the growth rate was higher at the time, now he cannot build. States he feels as if he is being asked to subsidize the community.
Karen Harris	Cambria, states she bought her property and believes people should be able to build their homes without such extreme restrictions.
Darrell Robinson	States he speaks for many lot owners. States lot owners are not speculators. As long as the CCSD moratorium is in place, the effective growth is 0%. After that moratorium is lifted, the rate should be 2.3% as it was in the past. GSA restrictions are too tight and are impractical, and gives reasons. Requests basements be allowed and gsa be measured to inside wall. Also wishes additional square footage be allowed, and gives suggestions.
Sharon Ellington	States she owns a lot in Cambria, and that she cannot afford to speculate, but thought she would be building a home. It is unfair to change the rules midway. States she is a taxpayer and came to Cambria long ago.
Allan Peckman	Discusses his introduction to Cambria and when he purchased his lot. States he planned to build there and retire, and is not and was not a speculator. States 1% growth rate is unfair to those who bought their lots in good faith, that he has paid taxes and contributed as required and now may be unable to build his home. Further scarcity will be the result, exacerbating the problem. States the growth rate should be 2.3% and asks Commission support.
David Johnson	States codification of a 1% growth rate may not be appropriate for a 20-year period. States the wait list continues to grow, but no explanation is available. Discusses tree and vegetation removal and how it affects those who wish to build a home. Requests fair treatment a courageous Commission.
Linda Johnson	States she and her family are ordinary, hard working people. States they thought their investment was a good one, and they researched the County's wait list. The information provided was wrong. States the County, not the CCSD, is responsible for setting the growth rate. States this plan discourages tree planting by the size restrictions. States the 2.3% growth rate should be retained. Requests the Commission address the issues, and that she is not a speculator.
Tom Lauderquist	Owns property in Cambria. States he is a professional planner and purchased a lot

	already zoned residential, and gives other details. States entitlements have already been granted to others, and wonders why lot owners are being singled out. States retirements dreams have been spoiled by the inability to build. Discusses whether the 1% growth rate will mitigate the impacts. States all groups are entitled to equal rights, and care should be taken to preserve equality. Discusses nexus of planning laws and the actions proposed. Suggests maintenance of the 2.3% growth rate. Lot sizes measuring to outside wall will preclude green building. See Table 7-1.
Will Washburn	States he purchased a lot in 1977 and has paid taxes on it ever since. States he is not a speculator. Discusses a campaign in the neighborhood to put utilities underground.
Craig Smith	States he purchased in 1986 and got onto the CCSD wait list. He still hasn't been able to build although he has paid all the fees for all those years. The County should reinstate the 2.3% growth rate, as long as water is available. Wonders about the issue of how many lots there are that can actually be built, how many Cambria can support.
Harry McLochlin	Discusses Chapter 7, Growth Management allocation of residential permits. States it is unjust to punish Cambria lot owners by setting the growth rate lower in Cambria than elsewhere in the County. Discusses reasons. Urges the Commission to leave existing growth rate in place. Discusses allocations, and affordable housing. States the allowable sizes are too small for homes. Basements should be allowed. Mitigations should be available for forested lots.
Greg Sanders, President, CCSD Board of Directors	Thanks staff and urges Commission to consider the buildout reduction study that will be completed within a couple weeks. Offers his consultant to appear. Gives reasons. Discusses growth rate, stating the growth rate should be 1% during the moratorium, but urges Commission to set it back to 2.3% after that. Gives reasons.
Discussion takes place	Among Commissioners and Mr. Sanders, regarding the CCSD wait list as it relates to the growth rate. Mr. Sanders discusses possible timetable for the desalination plant being around three years, but there are many variables, such as litigation that could come up. Mr. Sanders states water storage is deficient, especially as it relates to fire fighting; the water supply is short when drought conditions exist, and that must be addressed regardless of future building; the moratorium will remain in place as long as there is a water shortage. Commissioners pose further questions regarding the moratorium, with Mr. Sanders responding.
Baron Conan	States he purchased a lot in Cambria in 1989 with the intention of building for retirement. States they are now unable to build. Concurs with comments of others that 2.3% growth rate should be maintained once the moratorium is lifted.
Patricia Conan	States if their lot purchase had gone as planned, they would be living in Cambria now. States they still hope to do so. Liberty and justice for all is understood and stated in the flag salute. It should be extended to all including lot owners in Cambria.
Bill Warren	Cambria resident for 17 years, and member of Land Conservancy and Advisory Council, though he speaks for himself today. Discusses past votes on growth rate. Discusses CCSD recommended connections and how it compares to maximum population. Requests Commission take into consideration the advisory recommendations.
John McGary	Cambria. Wonders if the Planning Commission will review the CCSD Master Water

	Plan, and if so, what will they look for, and whether a public review report will be available.
Wayne Ryburn	Cambria, representing the North Coast Alliance. States the 1% growth rate was set by the Board of Supervisors in 1999 and was set because of the water availability. Discusses why it should remain until the desalination plant is on line. Thereafter, the Board can review the growth rate again. This should be written into the update. Ranks various problems facing Cambria, with wastewater and water supply the two most important issues.
Tammy Rudock, CCSD	States CCSD and County staff have worked closely together. Provides input for Chapter 7, and discusses the CCSD desire to have East-West Ranch plan attached to this update. Discusses Map 8 needing revision. States it is unknown what agency will be lead on the desalination plant.
Joy Fitzhugh, SLO Farm Bureau	Also a resident just outside Cambria. States it should remain clear throughout the document that the update concerns Cambria and San Simeon communities. States outside the urban reserve line, agricultural community may wish to put in wells. Discusses runoff.
Linn Christie	Urges retention of the 1% growth cap. States she speaks for many long-term residents. Cambria is a unique community, and the rural lifestyle should be maintained. States a 2.3% growth rate should not be reinstated. Discusses the wait list and that there are 665 people on it now. States those who purchased lots should have more diligently sought information prior to buying.
Bob Horvath	States he owns a lot and wishes the growth rate to be the same for Cambria as for elsewhere in the County. Suggests present residents may benefit from the current situation, to the detriment of those who hope to build on lots they own. Discusses parking, size limitations, second stories and setbacks.
Alma Horvath	States she and her husband purchased a lot and anticipated a 12 to 15 year wait, and they moved forward based on information provided at the time. States the rules changed in 1999, and now are being changed again. States studies were done and solutions offered but not implemented. States changing rules midway is cheating. It is difficult to not become emotional when decisions affect personal lives in such a way. Urges Commission to restore the 2.3% growth rate once the moratorium is lifted.
Richard Hawley	States he supports the 1% growth cap. Once the moratorium is lifted, bringing back the 2.3% growth cap will make a small amount of land the receiver of all the additional growth. The rate should remain at 1% even after the moratorium is lifted. It is reasonable and just.
Mike Dill	Owns a lot in Cambria. Discusses the growth rate. If the plan is to last 10 years, then the 2.3% growth rate is more reasonable. A permanent 1% rate is unjustified and Cambria should be in line with the rest of the County. States there is a legal right to build, and many residents in Cambria are in favor of a no-growth position.
Commissioners, County Counsel and staff	Discuss build-out reduction plan and water master plan, requesting clarification from staff, with staff responding. Further discussion of the County wait list. Discussion continues on changes proposed and agreed upon.
Changes	Page 7-2 add comment under Chapter Organization, A. regarding rural area standards. Page 7-3 Subareas requires clarification. 4 to 1 to include a sentence in 1.a. pp. 7-5 as suggested by Commissioner Rappa. Paragraph 1.B. p. 7-5 strike

	"for permitted development in Cambria,". Page 7-6 consensus to make 2 change on E.2. Page 7-7 2.A.
Richard Hawley	Answers questions from Commission regarding underground utilities and how damage to trees from trenching compares to damage to trees from topping.
Discussion takes place, and changes agreed upon	Among Commissioners and Mr. Hawley regarding undergrounding. Consensus to add program regarding creation of a utility under-grounding program, to be inserted somewhere in Chapter 6. Page 7-9, change pine tree ratio to 4:1 and oak ratio to 6:1. Correct terminology paragraph F. 3. page 7-9. Page 7-10 4.c. strike "and" at the end. Pg. 7-11 add "Cambria Flood Control" in front of "Project" in last line. Page 7-12 para. 4.B. deleted. Make change to 4.A. page 7-12. Change 7-12 4.C. per CCSD letter.
Further changes are agreed upon	Page 7-16 Paragraph 1.A. delete "a minimum of"; change pg. 7-16 1.B.;
Commissioners, staff and County Counsel	Discuss Growth Management issues, page 7-16. Discussion continues on issues surrounding consistency among this update, the Countywide growth management plan and what the Board of Supervisors enacts.
Commission	Directs staff to return with alternative proposals to revise the Growth Management and Allocation of Residential Permits paragraphs beginning on page 7-16.
MOTION	Thereafter, motion by Commissioner Gibson, seconded by Commissioner Mehlschau, carries unanimously, to continue this item to September 8, 2005.
2. GONZALES - SUB2004-00144 / TRACT 2684	This being the time set for hearing to consider a proposal by LUCY AND VICTOR GONZALES/RRM DESIGN GROUP for a Vesting Tentative Tract Map to subdivide an existing 3.7 acre parcel into six parcels ranging in size from 20,000 square feet to 23,350 square feet each for the purpose of sale and/or development. The project includes off-site road improvements to Briar Rose Lane. The proposed project is within the Residential Single Family land use category, and is located at 480 Orchard Lane, approximately 100 feet northwest of the Orchard Road/Division Street intersection, in the community of Nipomo in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the project pursuant to Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Air Quality, Noise, Public Services and Utilities, Recreation, Wastewater and Water. County File Number: SUB 2004-00144/TRACT 2684. APN: 092-123-007. Supervisorial District No. 4.
Stephanie Fuhs, staff	Presents the staff report. Recommends two conditions changes, to 6.h. and 10. Recommends approval.
Commissioners	Request further information about trails and Quimby fees and when the fees may be collected, with staff responding.
Commissioners, staff and County Counsel	Discuss offers of dedication and improvements to easements, including the differences and similarities. Procedure is discussed. Further discussion takes place regarding pedestrian access, detention basins on the site, affordable housing fees and their use, water usage, conditions monitoring, language used in CC&R's, and language is suggested to change Condition 24.h..
Agent for applicant	States they are in agreement with the staff reports and conditions. Requests approval.

Discussion takes place	Among Commissioners and staff regarding wastewater and discharge requirements.
MOTION	Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Gibson, carries unanimously, to adopt the Negative Declaration, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and RESOLUTION NO. 2005-038 granting a Vesting Tentative Tract Map to LUCY AND VICTOR GONZALES / RRM DESIGN GROUP for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with the following changes: add "along the Briar Rose Lane extension and cul-de-sac." To the end of Condition 6.h.; insert "or within an approved basin capable of handling additional runoff from this tract" in Condition 10 following "property"; add "and for the life of the CC&Rs" to Conditions 23.k. and 24.h., following "turf areas", adopted.
3. ANDERSON FAMILY TRUST, County File No. SUB2003-00307 / TRACT 2598	This being the time set for continued hearing to consider a request by the ANDERSON FAMILY TRUST for a Vesting Tentative Tract Map to subdivide an existing 4.32-acre parcel into six parcels of 0.49, 0.51, 0.58, 0.59, 1.03, and 1.08 acres each for the purpose of sale and/or development. The project includes off-site road improvements to Cressy Street. The project would result in the disturbance of approximately 3.7 acres of a 4.32-acre parcel. The division will not create any new roads. The proposed project is within the Residential Single Family land use category and is located on the west side of Cressey Street (at 6393 Cressey Street), immediately north of Fourth Street, approximately 350 feet northwest of Highway 229 in the community of Creston, within the El Pomar planning area. County File Number: SUB2003-00307 / TRACT 2598. APN: 043-071-001. Supervisorial District: 1.
Kami Griffin, staff	Requests continuance to October 13, 2005.
MOTION	Thereafter, motion by Commissioner Rappa, seconded by Commissioner Christie, carries unanimously, to continue the above referenced item to October 13, 2005.
4. CHAPPELL, County File No. SUB2004-00113 / TRACT 2645	This being the time set for hearing to consider a request by RON CHAPPELL for a Vesting Tentative Tract Map (Tract 2645) to subdivide an existing 34.31-acre parcel into six parcels ranging in size from five to nine acres each for the purpose of sale and/or development. The division will create one on-site access road and includes improvements to Albert Way. Proposed tract improvements would result in the disturbance of approximately 1.17 acres. The proposed project is within the Residential Rural land use category and is located on the northeast corner of Willow Road and Albert Way (at 1730 Willow Road), west of the community of Nipomo, in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Aesthetics, Agricultural Resources, Biological Resources, Geology and Soils, Noise, Public Services/Utilities, Recreation, Transportation/Circulation, Wastewater, and Water. County File No. SUB2004-00113 / TRACT 2645. APN: 091-181-033. Supervisorial District #4.
Brian Pedrotti, staff	Presents the staff report. Agriculture buffers are included, as well as a temporary biological buffer for existing nesting raptors. Recommends adoption of the Negative Declaration and approval of the project.

Commissioners, staff and County Counsel	Discuss construction requirements, ag buffer, time period for 26.c.
Mike Isensee, Agriculture Department	Discusses the ag buffer and suggests language for Conditions 26.b. and 27.b.
Commissioner Christie	Directs questions regarding continued agricultural viability to Mr. Isensee
Mike Isensee, Agriculture Department	Discusses Nipomo Mesa, mostly zoned residential. There is nothing to preclude an operator from stopping operation on his land. It is hoped many producers on the Mesa can remain in production, but there are problems that can be anticipated. An earlier decision on an adjoining property that is zoned public facilities discourages agriculture on this property.
Commissioner Christie	Discusses incentives and how they affect decisions by people about what to do with their properties, with Mr. Isensee responding.
Commissioner Mehlschau	Requests information about past agriculture history of the property, with Mr. Isensee responding.
Commissioners and Mr. Isensee	Discuss agriculture buffers generally, and how this site can be buffered from surrounding agricultural lands.
Warren Hoag, staff	Discusses current zoning and school district site.
Ron Chappell, applicant	Discusses best use of the property. States the property has a natural buffer. States the property will be a good buffer between the school and surrounding agriculture.
David Palmer, Nipomo United Methodist Church	Would like information about Albert Way, and whether they will be required to do anything. Also states the previous owners of the strawberry fields entered into an agreement with the church, and the result is the trees surround the lot. Wonders if there will be further zoning changes.
Dee Anna Shrefler	States she is an avocado farmer and has an applicator's license. States she has been there 40 years, and owns part of Black Lake Canyon. Discuss history of property to the east. Discusses her experience in agriculture over the past many years. States every year the cold leads to tree loss in the case of avocados. States houses are the best use for this property.
Ron Chappell, applicant	Wonders what kind of development the church is proposing. States he doesn't see a future change to zoning to less than 5-acre parcels. States Albert will be paved 2/3 of the way, all along this property and along the church property.
Commissioners	Discuss preservation of agricultural land, agricultural activity that surrounds this site, viability of the site,
MOTION	Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Roos, to approve the project, is discussed.
Discussion takes place	Among Commissioners and staff regarding history of the site and zoning. Review of possible rezoning back to agriculture is discussed.
MOTION	Thereafter, motion maker and second do not amend their motion, and motion by Commissioner Mehlschau, seconded by Commissioner Roos, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and approve the Vesting Tentative Tract Map, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B. with modification to 26.b.. 27.b.. 26.f.. and

	27.f., fails on a vote of 1 for and 4 against. Roll Call: Mehlschau - Yes; Roos - No; Gibson - No; Christie - No; Rappa - No.
MOTION	Thereafter, motion by Commissioner Gibson, seconded by Commissioner Christie, to deny and direct staff to return with Findings for Denial on October 13, 2005, carries, on a vote of 4 in favor and 1 against. Roll Call: Gibson - yes; Christie - yes; Rappa - yes; Mehlschau - No; Roos - yes.
5. GODFREY, County File No. S030062T / TRACT 2574	This being the time set for continued hearing to consider a request by MARK GODFREY for a Vesting Tentative Tract Map to subdivide an existing 19.2 acre parcel into seven parcels of between 3.15 and 2.50 acres each, for the sale and/or development of each proposed parcel. The proposed project is within the Residential Suburban land use category and is located at the northeast corner of Badger Canyon Lane and Fox Canyon Lane, west of Corbett Canyon Road, approximately 1 mile north of the City of Arroyo Grande. The site is in the San Luis Bay (Inland) planning area. APN: 044-501-004. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, public services/utilities, recreation, wastewater, and water. County File No. S030062T / TRACT 2574. Date application accepted: November 4, 2003. Supervisorial District 3.
Commissioner Rappa	Discloses she visited the project site and had a conversation with applicant.
Commissioner Roos	Discloses she visited the project site and had a conversation with applicant.
Commissioner Christie	Discloses she visited the project site and had a conversation with applicant.
Brian Pedrotti, staff	Presents the staff report. Discusses topography of site. States the property has wetlands. Discusses access roads, building envelopes, sensitive habitat, sensitive plant species found on the site, some of which will be affected by the construction. Project includes Manzanita removal and replanting. Recommends adoption of the Negative Declaration and approval of the project.
Chairman Roos	Directs question to CDF.
Chad Zelinek, CDF	States there was an issue regarding fire sprinklers. These are to mitigate the steepness of the slopes that exceed 16%. With development of the tract, Badger Canyon Road and Fox Canyon Road could be widened, then the existing loop road could qualify as mitigation for the dead end. Discusses escape in the event of a wildland fire. States this area is a high fire danger area due to the chaparral vegetation. Subdivisions have been denied due to dead end road issues similar to this project.
Commissioners and staff	Discuss water supply and planning area standards, road widths, whether construction must be completed prior to recording of map, groundwater planning area standards, evidence of water, percolation test, borings, that an engineered septic system will be required, downstream erosion and sedimentation, open space parcels and maintenance of same, wetlands. An additional detention basin will be located on parcel 1. Building envelope on lot 5, and detention basins on the whole tract are discussed.
David Marshall, Omni Design Group, engineer/agent	Regarding fire access, several meetings were held with Rob Lewin, CDF. Discusses length of the dead end road. States 4 wells have been drilled on the property and each supplies 40 gpm. Discusses open space easements on each lot

	and the reason they were added in the locations chosen. States the open space easement areas are being used to mitigate for some vegetation. The detention basins are located downhill from all the building envelopes. The subdivision will have underground infiltrator systems, and there will be no above ground detention basins.
Mark Godfrey, applicant	The reason this project is not a cluster subdivision is because it seemed the prospective buyers and others in the neighborhood did not wish that. The Fire Department extensively, exhaustively researched the project. States the widening of Badger Canyon Road will be all the way to Corbett Canyon, and to Fox Canyon Road, plus a loop road will be added. Open spaces were done because neighbors preferences. The idea is that each lot owner will maintain his own open space.
Craig Harvey	States his concerns include topography, since building envelopes are not in compliance with requirements. Lot 6 building site should be moved. Badger Canyon and Fox Canyon Roads should be improved prior to construction due to narrow width. Drainage basin on northern portion of lot 6 has not been addressed, bulldozing has been done already and water runs off to next property. Discusses primary and secondary residences, oak tree mitigations. Recommends building envelopes be located in consolidated areas.
Terisue Harvey	States CDF feels the area is high fire. States concerns on page 5-73 staff report have not been addressed. Displays maps overhead and aerial views. States the catch pond stays full of water most years, until last year when applicant bulldozed the top of Lot 6. It shows on pages 5-85 and 5-86 of the packet. Last year, there was major flooding in those zones. Discusses fire response and driveway lengths.
Tom Patton	States many people have requested this development not be allowed. Most homes have been built for avoidance of urban sprawl. There is fire danger for the current and future residents.
David Marshall, agent	States that all lots can be constructed on, though some will be more difficult than others.
John Godfrey, owner	Discusses purchase of the property, initial development with substitution of the sand pit. States this development is very similar to the one already there. Provides short history. States every regulation has been followed and everything asked of them has been done. The only issue remaining may be the fire situation, but discussion with the fire department has already taken place. Discusses same.
Commissioners, County Counsel, Public Works and staff	Discuss conditions changes.
Discussion takes place	Among Commissioners and staff regarding community water systems, and density.
MOTION	Thereafter, motion by Commissioner Rappa, seconded by Commissioner Mehlschau is discussed. Thereafter, motion maker and second amend their motion, and motion by Commissioner Rappa, seconded by Commissioner Mehlschau, carries with Commissioner Christie and Chairman Roos voting no, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and RESOLUTION NO. 2005-039 granting a Vesting Tentative Tract Map to MARK GODFREY for the above referenced item, based on the Findings in Exhibit A with Finding F amended by deleting "and secondary" in line 2, and subject to the

	<p>Conditions in Exhibit B, with the following changes: In Condition 2.a., add “widened to complete an A-1 (rural) section from Corbett Canyon to Fox Canyon Lane” following “Badger Canyon Lane” in line 1, delete “an” following “complete” in line 2, delete “section” following “(rural)” in line 3, and delete “continuing to Corbett Canyon Road” at the end; in Condition 14, delete “in the area of the appropriate area of the proposed sewage disposal system” following “ten (10) feet” in sentence 2, and insert in its place “at each leach line location”; in Condition 17, delete “or overhead” from the end of the sentence; in Condition 26, insert “in a form approved by County Counsel” following “easements” in line 1, and delete the sentence that reads “They are to be held in common by the Homeowner’s Association.”; in Condition 32.c., add “and shall not silhouette against the horizon” at the end; in Condition 32.m., delete “and secondary” following “primary” in line 3; add new Condition 32.dd. to read “Prior to issuance of construction permits for Lot 5, an engineered septic system shall be designed to serve the proposed development.”; in Condition 33.b., add “and shall not silhouette against the horizon” at the end; in Condition 33.l., delete “and secondary” following “primary” in line 3; in Condition 33.bb. delete “The applicant shall include a note on the additional map sheet stating that” at the beginning; and add new Condition 33.cc. as follows: “Prior to issuance of construction permits for Lot 5, an engineered septic system shall be designed to serve the proposed development.”, adopted.</p>
6. FETYKO, County File No. SUB2003-00246	<p>This being the time set for hearing to consider a request by JOHN FETYKO for a Vesting Tentative Tract Map / Conditional Use Permit to allow subdivision of an existing 1.8 acre parcel into seven clustered parcels and a road exception request to allow access to six parcels from a private easement (a maximum of five parcels are allowed to take access from a private easement). Six parcels are proposed for the purpose of sale and/or development ranging in size from approximately 3,999 square feet to approximately 6,760 sq. ft. each and a seventh parcel of 42,097 sq. ft. is proposed as open space parcel. The proposed project is within the Residential Single Family land use category and is located on the west side of Old County Road, at 96 Old County Road, north of the Old County Road/Las Tablas Road (Canon Street) intersection in the community of Templeton, in the Salinas River planning area Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. Mitigation measures are proposed to address aesthetics, air quality, biological resources, cultural resources, geology and soils, noise, recreation, transportation and wastewater. County File No: SUB2003-00246. APN: 041-031-006. Supervisorial District 1.</p>
Commissioner Roos	<p>Steps down due to possible conflict of interest. Commissioner Mehlschau assumes the chair.</p>
Elizabeth Kavanaugh, staff	<p>Presents the staff report. Issues include adjustment to the design criteria to allow a private access road to serve six lots, which is supported by staff. Explains. Further impacts include impacts to oak trees and protection of Toad Creek. Explains the mitigation measures. Recommends adoption of the Negative Declaration and approval of the tentative tract map.</p>
Commissioners and staff	<p>Discuss conditions, including 3.a.; discuss advisory council letter of June; staff states applicant brought this project before TAAG 3 times and it is thought TAAG still feels there are too many lots with 7.</p>

Elizabeth Kavanaugh, staff	Reads a letter given her today from TAAG, regarding flood hazard zone; waiver of road access; oak tree impacts; street trees; ability of county to acquire open space parcel in the future; public path along Toad Creek; addition to stairway path; street lights. States many of these points have been incorporated into the staff report.
Commissioners, staff and County Counsel	Discuss flood hazard zone and whether building sites are in it; location of the 100-year flood zone; whether the community will be gated; whether applicant can be required to post a bond for capital improvements such as trails; street lights.
Elizabeth Kavanaugh, staff	Discusses how to address TAAG's concerns.
Mike Ferticini, EDA Design Professionals	Representing applicant. States impacts to oaks are occurring from frontage improvements to Old County Road. Discusses the culvert and the flood zone. Trails could be bonded for but the road may not be built for many years. Applicant would prefer to defer or build. Discusses bollard lighting and that it can be included or not. It is lighting geared to pedestrians. States 6 lots fit well, but the project could be reduced to 5 if the Commission desires.
Commissioner Christie	Requests information about whether a gate will be at the entrance, with Mr. Ferticini responding.
Jill, Public Works	Requests whether or not lights will be effective if they are placed 10 feet off the pavement as required, with agent responding.
Public testimony	None
Commissioners	Discusses deleting bollard lights, bonding for trail improvements, the amount of money needed for a bond, whether a trail can be constructed.
MOTION	Thereafter, motion by Commissioner Gibson, seconded by Commissioner Christie, carries, with Chairman Roos recused, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and RESOLUTION NO. 2005-040 granting a Vesting Tentative Tract Map to JOHN FETYKO, for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with the following changed: with Exhibit B modifications as follows: insert "non-gated" in Condition 5, before "private easement"; modify Condition 7.h. to read: "Trail shall be constructed based on a trail plan to be approved jointly by County Planning Department and the County Park Division."; change Condition 30 to read: "30. Prior to recordation of the final map, the applicant shall construct the proposed trail corridor according to the County's A-1(x) standard and dedicate the trail to County Parks Department. The applicant shall pay applicable fees as required."; delete Condition 37.h. and renumber as appropriate and RESOLUTION NO. 2005-041 granting a Conditional Use Permit to JOHN FETYKO for the above referenced item, based on the Findings in Exhibit C and subject to the Conditions in Exhibit D, with the following changes: add Condition 1.b. to read: "Private access road shall not be gated."; adopted.
Chairman Roos	Returns. Assumes the chair.
7. MARSDEN, County File No. DRC2004-00110	This being the time set for hearing to consider a request by JEFF MARSDEN for a Conditional Use Permit to allow for a 131,000 square foot recreation vehicle (RV) and personal property storage facility that includes 68,397 square feet of enclosed storage units, one 3,750-square foot office, and fifteen parking spaces. The project will result in the disturbance of approximately 3.0 acres the entire parcel. The

	proposed project is within the Industrial land use category and is located on the southeastern corner of Monterey and Wellsona Roads, approximately 600 feet east of Highway 101, north of the City of Paso Robles. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared pursuant to the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address aesthetics, air quality, biology, and water. County File No: DRC2004-00110. APN: 027, 321, 024. Supervisorial District 1.
Elizabeth Kavanaugh, staff	Gives the staff report. Describes issues that need to be considered. Recommends adoption of the Negative Declaration and approval of the project. Responds to questions regarding San Joaquin Kit Fox mitigations.
Commissioners and staff	Discuss the valuation assigned to oak trees removed.
Jeff Marsden, applicant	States they have worked closely with staff and are in agreement with the Conditions.
MOTION	Thereafter, motion by Commissioner Rappa, seconded by Commissioner Gibson, carries, with Commissioner Christie voting no, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and RESOLUTION NO. 2005-042 granting a Conditional Use Permit to JEFF MARSDEN for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, adopted.
8. MIDLAND PACIFIC, County File No. G030015M	This being the time set for hearing to consider a proposal by MIDLAND PACIFIC BUILDING CORPORATION / LEO MICHAUD for a General Plan Amendment (1) to amend the Salinas River Area Plan by changing the land use category from Agriculture to Residential Single Family and incorporating the 20-acre parcel into the San Miguel Urban Reserve Line, (2) to amend the Land Use Ordinance (Title 22) to add planning area standards addressing the development of the site, and (3) to amend the Agriculture and Open Space Element for the parcel from the Large-Lot Rural designation to Urban Lands. The project site is located on the west side of Cemetery Road, approximately 1,500 feet south of 10th Street, southwest of the community of San Miguel, in the Salinas River Planning Area (Rural). Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq. Mitigation measures are proposed to address aesthetic, agricultural, air quality, biological, cultural and geological resources; noise, public services, recreation, transportation/circulation, wastewater and water supply. County File Number: G030015M. APN: 021-371-001. Supervisorial District: 1.
Commissioner Rappa	Discloses she met with applicant and viewed site.
Jim Lopes, staff	Presents the staff report. Discusses design standards and scenic quality. Displays maps and photographs overhead. Discusses aesthetics from the highway corridor. States a consultant's report indicated there would be impacts, and applicant has agreed to substantial front and side setbacks, and to limit houses to single story, and other requirements. Discusses land use issues. Recommends adoption of the Negative Declaration and approval of the General Plan Amendment. based on the

	findings presented and with the addition of new standard "a".
Commissioners and staff	Request information about development in relation to total inventory of land, that recently, other large subdivisions have been approved, whether there are other large projects in San Miguel that are pending, the kind of housing this project will provide.
Dennis Moresco, applicant	Introduces Eric Justesen of RRM Design Group. Discusses a previously approved project that Commissioners recently approved. States the citizens of San Miguel want some market rate housing, and do not wish to be the location of all affordable housing in the county. Discusses location of the affordable housing project. States the present site is the only one appropriate for market rate housing. States San Miguel wishes to develop their downtown. This is an infill project, between the cemetery and what will be commercial development in the future.
Eric Justesen, RRM Design Group	States they have been working in San Miguel for a long time. States there are few parcels that are appropriate for this project. Describes the site. States the community has supported this project each time they have gone before them.
Dennis Moresco, applicant	Discusses another project he built and that there is demand for housing in San Miguel.
Commissioner Gibson	Discusses community plan that is in the process of being updated, water availability, whether this GPA is premature and should be part of the update. Additionally, there are no mitigations for subdivision of agricultural land. APCD is opposed to this application.
Commissioner Rappa	Discusses the bridge and how the community has been trying to develop for a long time. The community now has an advisory group. Communities need diversity, as does the housing stock. A commercial core is needed and community diversity is needed to support that. Now is the right time for that.
Chairman Roos	Recalls that past problems have largely been solved. States this development is appropriate for its proposed location. States his support for this project.
Commissioner Christie	States her agreement that this project should be considered as part of the community plan update.
Chairman Roos	Requests staff discuss the upcoming community plan update, with staff responding.
Commissioner Mehlschau	States his likes the diversity for San Miguel, this project will help prevent sprawl, if a business park is anticipated, there must be people available to work there.
MOTION	Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Rappa, carries, with Commissioners Gibson and Christie voting no, to recommend to the Board of Supervisors adoption of the Negative Declaration, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and approval of the request for General Plan Amendment, as presented, based on Findings A through D, as presented, and with the addition of new standard "a." as presented and ordinance paragraphs renumbered as appropriate.
MOTION	Thereafter, motion by Commissioner Rappa, seconded by Commissioner Mehlschau, carries unanimously, to take into the record all items submitted today.
Warren Hoag, staff	Requests a consensus for 10/26/05. All five can make it.
Commissioner Rappa	Requests input about whether the retreat should be on a weekend or a weekday.

Adjourn	
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Respectfully submitted,
Lona Franklin, Secretary
County Planning Commission